

TELEGRAM

Department of State

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Action

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Rec'd: APRIL 28, 1959

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FROM: MOSCOW

Info

TO: Secretary of State

10:55 PM

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NO: 2160, APRIL 29, 3 AM

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PRIORITY

SENT DEPARTMENT 2160; REPEATED INFORMATION LONDON 402, PARIS 375, BONN 285, BERLIN 168

FOLLOWING IS TRANSLATION OF NOTE 29/OSA (ON BERLIN CORRIDOR FLIGHTS) DELIVERED TO EMBASSY AT 9 PM APRIL 28:

CIA
OSD
ARMY
NAVY
AIR

THE MINISTRY OF FOREIGN AFFAIRS OF THE UNION OF SOVIET SOCIALIST REPUBLICS, CONFIRMING THE RECEIPT OF THE NOTE OF APRIL 13, 1959 OF THE EMBASSY OF THE UNITED STATES OF AMERICA, WHICH WAS AN ANSWER TO THE NOTE OF APRIL 4, 1959 OF THE MFA USSR CONCERNING THE CRUDE VIOLATION BY AN AMERICAN AIRPLANE OF THE EXISTING SYSTEM OF FLIGHTS IN THE AIR CORRIDOR BETWEEN THE FRG AND BERLIN, CONSIDERS IT NECESSARY, ON THE INSTRUCTION OF THE SOVIET GOVERNMENT, TO STATE THE FOLLOWING.

THE ARGUMENTS CONTAINED IN THE SAID NOTE OF THE EMBASSY IN JUSTIFICATION OF THE VIOLATION BY AN AMERICAN C-130 AIRPLANE ON MARCH 27 OF THE ESTABLISHED HEIGHT OF FLIGHTS IN THE AIR CORRIDOR BETWEEN THE FRG AND BERLIN AND OF POSSIBLE SIMILAR VIOLATIONS IN THE FUTURE ARE COMPLETELY UNFOUNDED, INASMUCH AS THERE EXISTS A DEFINITE SYSTEM AND ESTABLISHED PRACTICE FOR FLIGHTS IN THE AIR CORRIDOR STRETCHING OVER THE TERRITORY OF THE GERMAN DEMOCRATIC REPUBLIC, AND NO ONE CAN VIOLATE THIS SYSTEM WITHOUT THE AGREEMENT OF THE OTHER SIDE. SUCH A SYSTEM OF FLIGHTS, WHICH HAS BEEN IN EXISTENCE ALREADY MORE THAN TEN YEARS, IS NATURAL AND NECESSARY IN THE MATTER OF GUARANTEEING THE SAFETY OF FLIGHTS OF ALL

AIRCRAFT

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AIRCRAFT WHICH MAY BE IN THE AIR CORRIDOR OR IN THE REGION OF THIS CORRIDOR.

AS FOR THE REFERENCE CONTAINED IN THE NOTE TO THE SOVIET AIRPLANE TU-104, SUCH A REFERENCE IS UNRELATED TO THE MATTER, SINCE IT IS KNOWN THAT THE AIRPLANE TU-104 DOES NOT FLY ALONG THE AIR CORRIDOR BETWEEN THE FRG AND BERLIN. IN FLIGHTS OVER THE TERRITORY OF OTHER COUNTRIES, SOVIET AIRCRAFT, INCLUDING ALSO THE TU-104, STRICTLY ADHERE TO THOSE HEIGHTS WHICH HAVE BEEN ESTABLISHED FOR THEM. WHEN THE NECESSITY OF CHANGING THE TERMS OF FLIGHT ARISES, THE QUESTION CONCERNING THIS IS PUT BEFORE THE OTHER SIDE, AND NO CHANGES OF THE ESTABLISHED SYSTEM ARE MADE WITHOUT ITS AGREEMENT.

IN ITS NOTE, THE U.S. GOVERNMENT CALLS FOR THE GUARANTEEING OF THE CONDITIONS OF SAFETY OF FLIGHTS IN THE SAID AIR CORRIDOR BY WAY OF IMPLEMENTATION OF THE ESTABLISHED RULES. THIS APPEAL CANNOT BUT CAUSE SURPRISE INASMUCH AS JUST THE AMERICAN SIDE IS PERMITTING VIOLATIONS. AND JUST THE U.S. GOVERNMENT SHOULD GIVE INSTRUCTIONS TO ITS AUTHORITIES TO REFRAIN FROM VIOLATIONS OF THE EXISTING SYSTEM AND RULES FOR FLIGHTS OF AIRCRAFT IN THE AIR CORRIDOR OVER THE TERRITORY OF THE GDR. ONLY UNDER THESE CIRCUMSTANCES CAN THERE BE CREATED THE CONDITIONS NECESSARY FOR THE SAFETY OF FLIGHTS IN THIS CORRIDOR AND CAN THERE BE ELIMINATED THE DANGER OF INCIDENTS WHICH CAN LEAD TO SENSELESS LOSSES OF HUMAN LIVES.

HOWEVER, INSTEAD OF CEASING SUCH FLIGHTS, THE AMERICAN AUTHORITIES HAVE AGAIN RESORTED TO A CRUDE VIOLATION OF THE EXISTING SYSTEM FOR FLIGHTS IN THE AIR CORRIDORS STRETCHING OVER THE TERRITORY OF THE GDR. THUS, ON APRIL 15, AN AMERICAN TRANSPORT AIRPLANE, AGAINST THE PROTESTS OF THE SOVIET REPRESENTATIVES IN THE BERLIN AIR SAFETY CENTER, MADE A FLIGHT TO BERLIN AND RETURN AT A HEIGHT OF MORE THAN SEVEN THOUSAND METERS. THESE ACTIONS OF OF THE AMERICAN AUTHORITIES IN GERMANY, UNDERTAKEN AT THE MOMENT OF PREPARATION FOR THE GENEVA CONFERENCE OF MINISTERS OF FOREIGN AFFAIRS, CANNOT BE ASSESSED

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AS OTHER THAN DIRECTED AT AGGRAVATION OF THE SITUATION,

THE SOVIET GOVERNMENT, CONFIRMING THE POSITION SET FORTH
IN ITS NOTE OF APRIL 4, ONCE MORE DRAWS THE ATTENTION
OF THE U.S. GOVERNMENT TO THE DANGEROUS CHARACTER OF
THE ACTIONS OF THE AMERICAN AUTHORITIES IN GERMANY AND
EXPECTS THAT THE U.S. GOVERNMENT TAKE APPROPRIATE
MEASURES IN CONNECTION WITH THIS.

THOMPSON

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